

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MARCAP CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	No. 07 C 2406
)	
NATIONAL MEDICAL IMAGING OF)	
REISTERSTOWN, L.P., et al.,)	
)	
Defendants.)	

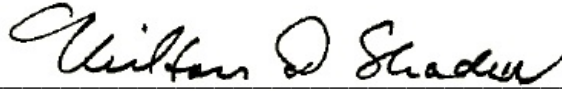
MEMORANDUM ORDER

MarCap Corporation ("MarCap") has filed its Answer to the Counterclaims advanced against it by National Medical Imaging of Reisterstown, L.P. This memorandum order is issued sua sponte to send MarCap's counsel back to the drawing board to cure a basic error in that responsive pleading.

Answer ¶¶7, 9, 11-17 and 21-23 seek to obtain the benefit of the deemed denial that can be provided by the second sentence of Fed. R. Civ. P. 8(b). But despite the plain roadmap marked out by that Rule, the attempted disclaimer is flawed in more than one respect--see App. ¶1 to State Farm Mut. Auto. Ins. Co. v. Riley, 199 F.R.D. 276, 278 (N.D. Ill. 2001).

Accordingly the present Answer is stricken in its entirety (the latter only because a self-contained Amended Answer will avoid the need to flip back and forth between two pleadings to see just what MarCap is asserting), with leave of course being granted to file an Amended Answer on or before August 15, 2007. No charge is to be made to MarCap by its counsel for the added

work and expense incurred in correcting counsel's errors.
Marcap's counsel are ordered to apprise their client to that
effect by letter, with a copy to be transmitted to this Court's
chambers as an informational matter (not for filing).

A handwritten signature in cursive script, reading "Milton I. Shadur".

Milton I. Shadur
Senior United States District Judge

Date: August 1, 2007